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Dated: April 13, 2006 Signature:

Marco Jimenez

04-17-06  
ZFW DA

SPECIAL PROCEDURES SUBMISSION

Docket No.: 393032016800  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Yoshiki NISHITANI, et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR  
DETECTING PERFORMER'S MOTION  
TO INTERACTIVELY CONTROL  
PERFORMANCE OF MUSIC OR THE  
LIKE

Examiner: Marlon Fletcher

Group Art Unit: 2837

**PETITION TO WITHDRAW APPLICATION FROM  
ISSUE PURSUANT TO 37 CFR 1.313 (c)(3)**

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioners hereby petition the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on February 23, 2004 (\$1330.00), January 31, 2005 (\$70.00), and a final issue fee transmittal was submitted to the Patent Office by facsimile on October 28, 2005 with authorization to charge any additional fee due at that time. Copies of the three Part B- Issue transmittals are enclosed for your ready reference, along with the Patent Office's confirmations of receipt of these transmittals.

Three office action citing references were mailed in connection with related Japanese applications. Accordingly, Applicants request withdrawal from issue to file an Information Disclosure Statement (IDS) pursuant to 37 C.F.R. § 1.97 and § 1.98 with a Request for Continued Examination (RCE). The IDS and RCE are enclosed with this petition.

04/19/2006 WASFAW1 00000020 031952 09758632

01 FC:1464 130.00 DA

la-853495

Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) or (i). Fee transmittal form PTO/SB/17 is enclosed is duplicate.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-1952, under Attorney Docket No. 393032022200.

Dated: April 13, 2006

Respectfully submitted,

By M.A.

Mehran Arjomand

Registration No.: 48,231  
MORRISON & FOERSTER LLP  
555 West Fifth Street, Suite 3500  
Los Angeles, California 90013  
(213) 892-5630



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**PETITION FEE  
Under 37 CFR 1.17(f), (g) & (h)  
TRANSMITTAL**

(Fees are subject to annual revision)

**Send completed form to:**

MS 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/758,632
Filing Date	January 10, 2001
First Named Inventor	Yoshiki NISHITANI
Art Unit	2837
Examiner Name	M. T. Fletcher
Attorney Docket Number	393032022200

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :
- Petition fee under 37 CFR 1.17(f), (g) or (h)     Any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ \_\_\_\_\_ is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) – to accord a filing date.  
§ 1.57(a) – to accord a filing date.  
§ 1.182 – for decision on a question not specifically provided for.  
§ 1.183 – to suspend the rules.  
§ 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
§ 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 – for access to an assignment record.  
§ 1.14 – for access to an application.  
§ 1.47 – for filing by other than all the inventors or a person not the inventor.  
§ 1.59 – for expungement of information.  
§ 1.103(a) – to suspend action in an application.  
§ 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
§ 1.295 – for review of refusal to publish a statutory invention registration.  
§ 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
§ 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
§ 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.  
§ 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.  
§ 5.12 – for expedited handling of a foreign filing license.  
§ 5.15 – for changing the scope of a license.  
§ 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.  
§ 1.84 – for accepting color drawings or photographs.  
§ 1.91 – for entry of a model or exhibit.  
§ 1.102(d) – to make an application special.  
§ 1.138(c) – to expressly abandon an application to avoid publication.  
§ 1.313 – to withdraw an application from issue.  
§ 1.314 – to defer issuance of a patent.

Signature

April 13, 2006

Date

Mehran Arjomand

48,231

Typed or printed name

Registration No., if applicable

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Dated: April 13, 2006

Signature:



Attorney Docket: 39303-20222.00

Date: January 27, 2005

Inventor(s): Yoshiki NISHITANI et al.

USSN: 09/758,632

Title: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO  
INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

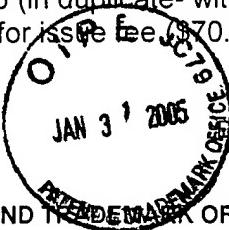
Due Date: January 28, 2005

Enclosed are the following:

1. Part B- Fee(s) Transmittal Form PTOL 85 (in duplicate- with authorization to charge Deposit Account for issue fee (\$70.00), and soft copies (\$30.00);
2. THIS RETURN RECEIPT POSTCARD.

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**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with

Applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(703) 746-4000**

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25224 7590 10/28/2004

MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024



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Enrique Moreno	(Depositor's name)
<i>Enrique Moreno</i>	(Signature)
January 27, 2005	(D)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,632	01/10/2001	Yoshiki Nishitani	39303.20222.00	9558

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$340	\$70	\$40	\$70

EXAMINER	ART UNIT	CLASS-SUBCLASS
FLETCHER, MARLON T	2837	084-615000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.
2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
- 1 Morrison & Foerster, LLP  
2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed in accordance as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

YAMAHA CORPORATION

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hamamatsu-shi, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

- Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies 10

- A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment. Deposit Account Number 03-1952 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature David L. Fehrnman

Date January 27, 2005

Typed or printed name David L. Fehrnman

Registration No. 28,600

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Attorney Docket: 39303-20222.00 Date: February 20, 2004  
Inventor(s): Yoshiki NISHITANI, et al. USSN: 09/758,632  
Title: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO  
INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE  
Due Date: March 11, 2004

Enclosed are the following:

1. Part B- Fee(s) Transmittal Form PTOL 85 (in duplicate- with authorization to charge Deposit Account for issue fee (\$1330.00), publication fee (\$300.00), and soft copies (\$30.00));
2. THIS RETURN RECEIPT POSTCARD.

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## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450**  
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CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

25224      7590      12/11/2003

MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024



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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Beverly S. Carter	(Depositor's name)
February 20, 2004	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,632	01/10/2001	Yoshiki Nishitani	39303.2022.00	9558

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	03/11/2004
EXAMINER	ART UNIT		CLASS-SUBCLASS		
FLETCHER, MARLON T	2837		084-615000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

YAMAHA CORPORATION

Hamamatsu-shi, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent);  individual  corporation or other private group entity  government

4a. The following fee(s) are enclosed:

Issue Fee

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A check in the amount of the fee(s) is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-1952 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) (Date)

David L. Fehrman, Reg. No. 28,600 02/20/2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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Alexandria, Virginia 22313-1450  
(571) 273-2885

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

25224 7590 10/19/2005

MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024



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**Certificate of Mailing or Transmission**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Beverly S. Carter	(Depositor's name)
<i>Beverly S. Carter</i>	(Signature)
October 28, 2005	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,632	01/10/2001	Yoshiki Nishitani	39303.20222.00	9558

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$0	\$0	\$0	01/19/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
FLETCHER, MARLON T	2837	084-615000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.	1 <u>MORRISON &amp; FOERSTER LLP</u> 2 _____ 3 _____
--	---	--

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Yamaha Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hamamatsu-shi, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

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 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-1952 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature D. L. Fehrman

Date October 28, 2005

Typed or printed name David L. Fehrman

Registration No. 28,600

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Cover  
Page  
=====>

10/28/2005 15:20 FAX 2138925454		MORRISON & FOERSTER # 4		@001						
<b>MORRISON   FOERSTER</b>		555 WEST FIFTH STREET LOS ANGELES CALIFORNIA 90013-1034 TELEPHONE: 213.923.5200 FACSIMILE: 213.923.5404 <a href="http://www.mopo.com">www.mopo.com</a>	MORRISON & FOERSTER LLP NEW YORK, NEW YORK, LOS ANGELES, BALO ALTO, SAN DIEGO, WASHINGTON, D.C. DEXTER, MONTGOMERY, VIRGINIA, ORANGE COUNTY, RANCHO MIRAGE, WALNUT CREEK, CENTURY CITY TOKYO, LONDON, BEIJING, PHILADELPHIA, HONG KONG, SINGAPORE, BRISBANE							
To: <table border="1"><tr><td>NAME:</td><td>FACSIMILE:</td><td>TELEPHONE:</td></tr><tr><td>MAIL STOP ISSUE FEE Commissioner for Patents</td><td>(571) 273-2885</td><td>(571) 272-4200</td></tr></table>					NAME:	FACSIMILE:	TELEPHONE:	MAIL STOP ISSUE FEE Commissioner for Patents	(571) 273-2885	(571) 272-4200
NAME:	FACSIMILE:	TELEPHONE:								
MAIL STOP ISSUE FEE Commissioner for Patents	(571) 273-2885	(571) 272-4200								
FROM: Beverly S. Carter		DATE: October 28, 2005								
Number of pages with cover page:	2	RE: U.S. Patent Application No. 09/758,632 Our Ref: 39303-20222.00								
Preparer of this slip has confirmed that facsimile number given is <u>2098/BSC4</u> correct:										
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DATE: Octcber 28, 2005

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